

HOUSE BILL No. 1894

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-19-6.5; IC 35-33-8-9; IC 35-33-9-7.

Synopsis: Credit card processing fees as court costs. Permits a clerk to collect a credit card service fee from a person who uses a credit card to make a transaction with the clerk. Specifies that the fee may not exceed the amount of the transaction charge or discount fee charged by the bank or credit card vendor. Specifies that the credit card service fee is in addition to the amount of bail set by the trial court.

Effective: July 1, 2003.

Stevenson

January 23, 2003, read first time and referred to Committee on Judiciary.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1894

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-19-6.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]:

4 **Chapter 6.5. Credit Card Service Fee**

5 **Sec. 1. This chapter applies to any transaction in which:**

6 **(1) the clerk is required to collect money from a person,**
7 **including:**

8 **(A) bail;**

9 **(B) a fine;**

10 **(C) a civil penalty;**

11 **(D) a court fee or court cost; or**

12 **(E) a fee for the preparation, duplication, or transmission**
13 **of a document; and**

14 **(2) the person pays the clerk by means of a credit card, debit**
15 **card, charge card, or similar method.**

16 **Sec. 2. The clerk shall collect a credit card service fee from each**
17 **person who uses a credit card, debit card, or similar method to pay**



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1 the clerk. The credit card service fee may not exceed the highest
2 transaction charge or discount fee charged to the clerk by the bank
3 or credit card vendor during the most recent collection period. The
4 fee may be collected regardless of any agreement between the bank
5 and a credit card vendor or regardless of any internal policy of the
6 credit card vendor that prohibits this type of fee.

7 **Sec. 3.** The clerk shall forward credit card service fees collected
8 under this chapter to the county auditor or city or town fiscal
9 officer in accordance with IC 33-19-1-3(a). These funds may be
10 used without appropriation to pay the transaction charge or
11 discount fee charged by the bank or credit card vendor.

12 SECTION 2. IC 35-33-8-9 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2003]: **Sec. 9.** In addition to any other condition of bail imposed
15 under this chapter, a defendant who posts bail by means of a credit
16 card shall pay the credit card service fee under IC 33-19-6.5.

17 SECTION 3. IC 35-33-9-7 IS ADDED TO THE INDIANA CODE
18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
19 1, 2003]: **Sec. 7.** In addition to any other condition of bail imposed
20 under this chapter, a defendant who posts bail by means of a credit
21 card shall pay the credit card service fee under IC 33-19-6.5.

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